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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MARIO ANTONIO SALCIDO,  
  
Defendant.

CASE NO. 1:21-CR-00127-ADA-BAM  
  
STIPULATION AND ORDER TO CONTINUE  
MOTION BRIEFING SCHEDULE

Plaintiff, the United States, by and through its counsel of record, and the defendants, by and through their counsel of record, hereby stipulate as follows:

**STIPULATION**

1. The defendant filed a motion to suppress on July 6, 2022. Docket No. 26. By previous order, the government's response is due December 30, 2022, with any reply from the defendant due on January 16, 2023, and a hearing on the motions on January 30, 2023.

2. Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate the motion briefing schedule be continued and set as follows:

Government's opposition due:	<b>January 30, 2022</b>
Defense replies due:	<b>February 13, 2023</b>
Hearing on motions	<b>February 27, 2023</b>

1           3.       The parties also agreed that the status conference currently set for February 22, 2023, be  
2 continued until March 8, 2023.

3           4.       The parties agree that time within which trial must commence under the Speedy Trial  
4 Act, 18 U.S.C. § 3161 *et seq.*, shall be excluded on the following bases:

5                 a.       Counsel for defendant requires additional time to review discovery, consult with  
6 his client, conduct necessary investigation, conduct settlement negotiations, and draft the reply to the  
7 government's opposition. Counsel for defendant believes that failure to grant a continuance would deny  
8 him the reasonable time necessary for effective preparation, taking into account the exercise of due  
9 diligence. The government does not object to the continuance. Accordingly, pursuant to 18 U.S.C. §  
10 3161(h)(7)(A) and (B)(iv), the ends of justice served by continuing the case as requested outweigh the  
11 interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial  
12 Act.

13                 b.       The period of delay resulting from the filing of the motion to suppress, from the  
14 filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such  
15 motion, is excluded in computing the time within which trial must commence pursuant to 18 U.S.C. §  
16 3161(h)(1)(D).

17                 c.       Further, the parties stipulate that, pursuant to the Speedy Trial Act, 18 U.S.C. §  
18 3161 (h)(1)(D), (h)(7)(A), (h)(7)(B)(i), and (iv), time shall be excluded in the interest of justice from  
19 February 22, 2023 up to March 8, 2023, to permit review of discovery, investigation, drafting and filing  
20 of motions and hearing on the motions, settlement negotiations and preparation for trial.

21                 d.       Nothing in this stipulation and order shall preclude a finding that other provisions  
22 of the Speedy Trial Act dictate that additional time periods are excludable from the period within which  
23 a trial must commence.

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1 IT IS SO STIPULATED.

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3  
4 Dated: December 20, 2022

PHILLIP A. TALBERT  
United States Attorney

5  
6 /s/ ANTONIO J. PATAKA  
ANTONIO J. PATAKA  
Assistant United States Attorney

7  
8  
9 Dated: December 20, 2022

/s/ TIMOTHY P. HENNESSY  
TIMOTHY P. HENNESSY  
Counsel for Defendant  
MARIO ANTONIO SALCIDO


**ORDER**

Based on the parties' stipulation, the proposed motions schedule is adopted and ordered. Pursuant to Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A), (h)(7)(B)(i), and (iv). Further, a status conference is hereby set for March 8, 2023.

Time shall be excluded up to the date of the status conference set for March 8, 2023, in the interest of justice.

IT IS SO ORDERED.

Dated: December 20, 2022

  
UNITED STATES DISTRICT JUDGE